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7 **UNITED STATES DISTRICT COURT FOR THE**
8 **CENTRAL DISTRICT OF CALIFORNIA**
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10 OLD DOMINION FREIGHT LINE,
11 INC.

12 Plaintiff,

13 v.

14 SPORTSMEN STEEL SAFE
15 FABRICATING CO.,

16 Defendant.
17 _____/

18
19 AND RELATED COUNTERCLAIM.
20 _____/

Case No.: 2:15-cv-01497 MRW

**ORDER TO DISMISS WITH
PREJUDICE**

21 TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

22 IT IS HEREBY ORDERED that the Complaint for Damages filed by Plaintiff,
23 OLD DOMINION FREIGHT LINE, INC. against Defendant, SPORTSMEN STEEL
24 SAFE FABRICATING CO., and the Counterclaim filed by Defendant, SPORTSMEN
25 STEEL FABRICATING CO. against Plaintiff, OLD DOMINION FREIGHT LINE,
26 INC., be and hereby are dismissed in their entirety, with prejudice.

27 Dated: April 15, 2016
28


JUDGE MICHAEL R. WILNER

PROOF OF SERVICE

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) ss.

I am a resident of the State of California, County of San Bernardino. I am over the age of eighteen years and not a party to the within action. My business address is 5811 Pine Avenue, Suite A, Chino Hills, California 91709.

On April 14, 2016, I served on the interested parties in this action the within document(s) entitled:

[PROPOSED] ORDER TO DISMISS WITH PREJUDICE

- ☐ **(BY U.S. MAIL)** I enclosed the documents in a sealed envelope or package addressed to the person(s) at the addresses listed below and I deposited the sealed envelope or package with the U.S. Postal Service, with the postage fully prepaid.
- ☒ **(BY COURT'S CM/ECF SYSTEM)** Pursuant to Local Rule, I electronically filed the documents with the Clerk of the Court using the CM/ECF system, which sent notification of that filing to the person(s) listed below.
- ☐ **BY FAX: (C.C.P. § 1013(a), (e); CRC 2008)** - by transmitting via electronic facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m.; I also caused the fax machine to print such record(s) of the transmission.
- ☐ **BY OVERNIGHT MAIL (C.C.P. § 1013(c)) - By FEDERAL EXPRESS,** following ordinary business practices for collection and processing of correspondence with said overnight mail service, and said envelope(s) will be deposited with said overnight mail service on said date in the ordinary course of business.
- ☐ **BY PERSONAL SERVICE** - I personally delivered such envelope to the offices of the addressee.
- ☐ **BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED** - By placing true copy(ies) thereof in sealed envelope(s) with Certified Mail, Return Receipt Requested, postage thereon fully prepaid and by causing such envelope(s) to be deposited in the mail at 5811 Pine Avenue, Suite A, Chino Hills, California 91709.
- ☐ **BY ELECTRONIC SERVICE (C.C.P. § 1010.6(a)(6))** - the parties listed below were served electronically with the document(s) listed above by e-mailed PDF files. The transmission was reported as complete and without error. My electronic notification address is 5811 Pine Avenue, Suite A, Chino Hills, California 91709. My e-mail address is mes.brownlipinsky@gmail.com.

1 Joseph N. Mirkovich, Esq.
2 Margaret E. Morrow, Esq.
3 Russell, Mirkovich & Morrow
4 One World Trade Center, Suite 1660
5 Long Beach, CA 90831-1660
(562) 436-9911 / (562) 436-1897 Fax
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MMorrow@rumlaw.com

**Attorneys for Defendant,
SPORTSMEN STEEL SAFE
FABRICATING CO.**

6 [] **STATE:** I declare under penalty of perjury, under the laws of the State of
California, that the above is true and correct.

7 [X] **FEDERAL:** I declare that I am employed in the office of a member of the Bar
8 of this Court at whose direction this service was made.

9 I declare under penalty of perjury under the laws of the United States of
America that the above is true and correct.

10 Executed on April 14, 2016, at Chino Hills, California.

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13 MARY ELLEN SAMBRANO _____
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